



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: The Development Review Committee and Townsley Schwab, Sr. Director of Planning & Environmental Resources

From: Bill Harbert, Planner *BH*
Michael Roberts, CEP, PWS, Senior Administrator of Environmental Resources

Date: May 18, 2010

Subject: *Request for an Amendment to a Major Conditional Use Permit for Summerland Key Marina, formerly known as Sherman's Marine, located at 24326 Overseas Highway, Summerland Key, Mile Marker 24, Real Estate No. 00190830.000000*

Meeting: May 25, 2010

I REQUEST:

The applicant is requesting approval to amend the site's conditional use permit approved under Development Order #15-90 in order to redevelop the existing marina by constructing five (5) new employee housing units within the existing main building, installing dry boat racks to accommodate up to 36 vessels in total, changing the approved commercial retail intensity on the site from low to medium intensity, modifying the existing off-street parking areas, installing new landscaping and carrying out other associated site improvements.



Subject Property (outlined in blue) and Surrounding Vicinity (2009)

1
2 Location:

3 Address: 24326 Overseas Highway, Summerland Key, mile marker 24 (oceanside)

4
5 Legal Description: Block 2, Lots 9-13, Summerland Key Cove Addition #2 (PB4-100)

6
7 Real Estate (RE) Number: 00190830.000000

8
9
10 Applicant:

11
12 Owner: Summerland Key Marina, LLC

13 Agent: Ty Symroski

14
15 II RELEVANT PRIOR COUNTY ACTIONS:

16
17 Building Permit 891-2735 was issued in 1990 for the construction of the existing seawall and
18 davits. This permit made no reference to a boat ramp, however after examining aerial
19 photographs, staff found that the boat ramp was installed between 1989 and 1992.

20
21 Development Order #15-90 was signed by the Director of Planning on July 30, 1990 and
22 recorded on September 28, 1990. This development order allowed permits to be issued for
23 the construction of a 3,000 ft² addition to an existing commercial building located on Lots
24 10-13 (Lot 9 was aggregated with the parcel after this approval). As a condition of approval,
25 the development order restricted commercial retail use on the property to be of low intensity.
26 Building Permit 911-2055, issued in 1991, approved the 3,000 ft² building addition.

27
28 III BACKGROUND INFORMATION:

29
30 A. Size of Site: 30,000 ft² (0.69 acres)

31 B. Land Use District: Suburban Commercial (SC)

32 C. Future Land Use Map (FLUM) Designation: Mixed Use Commercial (MC)

33 D. Tier Designation: Tier 3

34 E. Flood Zone: AE-EL 10

35 F. Existing Use: Mixed Use (Marina, Commercial Retail, Residential, Office)

36 G. Existing Vegetation / Habitat: Scarified

37 H. Community Character of Immediate Vicinity: The immediate vicinity consists of
38 commercial retail and institutional uses along US 1 and single-family residences across
39 the canal to the south.

40
41 IV REVIEW OF APPLICATION:

42
43 MCC §110-67 provides the standards which are applicable to all conditional uses. When
44 considering applications for a conditional use permit, the Development Review Committee
45 and the Director of Planning and Environmental Resources shall consider the extent to
46 which:

47
48 A. *The conditional use is consistent with the purposes, goals, objectives and standards of the*
49 *comprehensive plan and the land development regulations:*

1
2 The proposed development is consistent with the purposes, goals, objectives and
3 standards of the MU future land use category and the SC District.
4

5 Policies from the Monroe County Year 2010 Comprehensive Plan that directly pertain to
6 the proposed use include:
7

8 Policy 101.4.5: The principal purpose of the MC land use category is to provide
9 for the establishment of commercial zoning districts where various types of
10 commercial retail and office may be permitted at intensities which are consistent
11 with the community character and the natural environment. Employee housing
12 and commercial apartments are also permitted. This land use category is also
13 intended to allow for the establishment of mixed use development patterns, where
14 appropriate. Various types of residential and non-residential uses may be
15 permitted; however, heavy industrial uses and similarly incompatible uses shall be
16 prohibited. In order to protect environmentally sensitive lands, the following
17 development controls shall apply to all hammocks, pinelands, and disturbed
18 wetlands within this land use category: 1) only low intensity commercial uses
19 shall be allowed; 2) a maximum floor area ratio of 0.10 shall apply; and 3)
20 maximum net residential density shall be zero.
21

22 Policy 101.5.3: In order to encourage a compact form of non-residential growth,
23 the Permit Allocation System shall limit and direct new non-residential
24 development primarily to areas designated as Tier III under Goal 105 not located
25 within a designated Special Protection Area and provide incentives for
26 redevelopment of existing developed and vacant infill sites.
27

28 Policy 202.5.2: By January 4, 1997, Monroe County shall adopt revisions to the
29 Land Development Regulations requiring existing marinas making application for
30 site improvements to provide a plan for retrofitting existing facilities to include an
31 on-site pump-out station and sewage treatment. This requirement shall apply to all
32 marinas having ten (10) or more slips (wet or dry), or at which a live-aboard
33 vessel is docked. Implementation of this plan shall be a condition of permit
34 issuance for site improvements at existing marinas. The plan shall be fully
35 implemented within one year of permit issuance.
36

37 B. *The conditional use is consistent with the community character of the immediate vicinity:*
38

39 An approved marina and other complimentary uses, including commercial retail floor
40 area and a permanent residential apartment, have existed on the property since as early as
41 1990. Additional marina related commercial retail development previously existed on the
42 property. Regarding all of the uses on-site and on neighboring properties, the
43 continuation of a mixed-use marina would be compatible with neighboring properties, an
44 area which is composed of a diverse mixture of marina, commercial retail, office and
45 residential uses. Therefore, the proposed development would be consistent with the
46 community character of the immediate vicinity.

1
2 C. *The design of the proposed development minimizes adverse effects, including visual*
3 *impacts, on adjacent properties:*
4

5 The applicant is proposing the use of architectural features, such as awnings and a mixed
6 color scheme, to break up the mass of the existing main two-story building, which would
7 continue to provide space for commercial retail business(s) on the ground level and
8 would be modified to include the proposed employee housing units within the second
9 level. The applicant is also proposing to install windows on the building, to be framed by
10 awning treatments, to add a visual interest as well as provide shade.
11

12 In addition, as part of the redevelopment, additional trees and other landscaping elements
13 shall be introduced to the site in order to fulfill the current landscaping requirements.
14 Therefore, the proposed development minimizes adverse effects, including visual
15 impacts, on adjacent properties.
16

17 D. *The proposed use will have an adverse impact on the value of surrounding properties:*
18

19 Staff has no evidence to support or disprove that the proposed redevelopment will have
20 an adverse impact on the value of the surrounding properties.
21

22 E. *The adequacy of public facilities and services:*
23

24 1. Roads:

25
26 *Localized Impacts & Access Management:* Access to and from the development shall
27 be approved by the county's traffic consultant and the Florida Department of
28 Transportation (FDOT) (See section I-22, Access Standards).
29

30 *Level of Service (LOS):* A traffic study shall be approved by the county's traffic
31 consultant (See section I-23, Traffic Study).
32

33 2. Stormwater: The applicant shall coordinate with the Public Works Division, and, if
34 necessary, the South Florida Water Management District (SFWMD) to determine
35 compliance with all applicable regulations.
36

37 3. Sewer: The applicant shall coordinate with the Florida Department of Health, Florida
38 Department of Environmental Protection and/or Florida Keys Aqueduct Authority to
39 determine compliance with all applicable regulations (See section I-10, Wastewater
40 Treatment Criteria).
41

42 4. Emergency Management: The applicant shall coordinate with the Office of the Fire
43 Marshal to determine compliance with the Florida Fire Prevention Code.
44

45 F. *The Applicant has the financial and technical capacity to complete the development as*
46 *proposed:*

1
2 Staff has no evidence to support or disprove the applicant's financial and technical
3 capacity to complete the redevelopment as proposed.
4

5 G. *The development will adversely affect a known archaeological, historical or cultural*
6 *resource:*
7

8 The proposed redevelopment will not adversely affect a known archaeological, historical
9 or cultural resource.
10

11 H. *Public access to public beaches and other waterfront areas is preserved as part of the*
12 *proposed development:*
13

14 Public access means the ability of the public to physically reach, enter or use beaches and
15 shores. The property has access to a canal located to the rear of the property via a private
16 boat ramp. In addition, the site has dockage; however, the property and the docks are and
17 shall remain under private ownership. The public will continue to have limited access to
18 the waterfront area as customers of the marina, commercial retail and other water-related
19 businesses, as well as residents of the employee housing units. Therefore, the proposed
20 development will not have an adverse impact on public access to a waterfront area.
21

22 I. *The project complies with all additional standards imposed on it by the Land*
23 *Development Regulations:*
24

25 1. Residential Rate of Growth Ordinance (ROGO) (§138-19 – §138-28): *In compliance*
26 *following receipt of five ROGO allocations.*
27

28 There is one existing, lawfully-established market-rate permanent residential dwelling
29 unit within the existing main building. The proposal will add five employee housing
30 units, which must be deed-restricted as such and receive affordable ROGO
31 allocations.
32

33 2. Non-Residential Rate of Growth Ordinance (NROGO) (§138-47 – §138-56): *In*
34 *compliance.*
35

36 The NROGO shall not apply to the redevelopment, rehabilitation or replacement of
37 any lawfully-established non-residential floor area which does not increase the
38 amount of non-residential floor area greater than that which existed on the site prior
39 to the redevelopment, rehabilitation or replacement.
40

41 Concerning existing non-residential floor area on the property, the site currently
42 contains 4,288 ft² of commercial retail/office floor area within the main building. The
43 rest of the floor area in the main building is attributed to the existing permanent
44 residential dwelling unit. In addition, there is a 225 ft² dockmaster office building.
45

1 All of the existing non-residential floor area is lawfully-established. No expansion or
2 reduction in the existing amount of non-residential floor area is proposed as part of
3 this application.
4

5 3. Purpose of the SC District (§130-43): *In compliance.*
6

7 The purpose of the SC district is to establish areas for commercial uses designed and
8 intended primarily to serve the needs of the immediate planning area in which they
9 are located. This district should be established at locations convenient and accessible
10 to residential areas without use of US 1.
11

12 4. Permitted Uses (§130-93): *In compliance following the receipt of required major*
13 *conditional use permit.*
14

15 In the SC district, marinas may only be permitted with a major conditional use permit
16 and provided that a) the parcel proposed for development has access to water at least
17 four feet below mean sea level at mean low tide; b) the sale of goods and services is
18 limited to fuel, food, boating, diving and sport fishing products; c) all outside storage
19 areas are screened from adjacent uses by a solid fence, wall or hedge at least six feet
20 in height; and d) Any commercial fishing activities are limited to the landing of
21 catch, mooring and docking of boats and storage of traps and other fishing
22 equipment; and e) each non waterside perimeter setback of the parcel proposed for
23 development must have a class-C buffer-yard within a minimum side yard setback of
24 10'.
25

26 Although the above marina requirement limits the sale of goods and services to fuel,
27 food, boating, diving and sport fishing products, there is an existing approved
28 commercial retail use on the subject property that is not subject to such limitations.
29 Since it was approved and thereby is considered lawfully nonconforming, Staff has
30 determined that the existing commercial retail space may continue without such
31 limitations. As a note, intensity is not noted in the limitations; therefore an elevation
32 in intensity from low to medium would not be considered an expansion of the
33 nonconformity.
34

35 Medium-intensity commercial retail and office uses, or any combination thereof, of
36 greater than 2,500 ft² but less than 10,000 ft² of floor area may be permitted with
37 minor conditional use permit approval, provided that there is access to US 1 by way
38 of a) an existing curb cut; b) a signalized intersection; or c) a curb cut that is
39 separated from any other curb cut on the same side of US 1 by at least 400'.
40

41 Attached and unattached residential dwellings involving less than six units may be
42 permitted as of right provided that they are designated as employee housing as
43 provided for in MCC §130-161.
44

45 5. Residential Density and Maximum Floor Area Ratio (§130-157, §130-162 & §130-
46 164): *In compliance.*

Land Use Intensity:

Structure	FAR / Density	Size of Site (upland)	Max Allowed	Proposed / Existing	Potential Used
Commercial Retail (Medium-Intensity)	0.25	30,000 ft ²	7,500 ft ²	3,000 ft ²	40.0%
Office*	0.40	30,000 ft ²	12,000 ft ²	1,013 ft ²	8.4 %
Light Industrial**	0.30	30,000 ft ²	9,000 ft ²	500 ft ²	5.6 %
Total					54.0%
Market-Rate Housing	3 units / acre	0.688 acres	2.1 units	1 unit	47.6 %
Affordable Employee Housing	18 units / buildable acre	0.688 acres (0.55 buildable acres)	9.9 units	5 units	50.5 %
Total					98.1 %

* Includes 225 ft² dock master office and 788 ft² office area within main building

** Includes 500 ft² workshop area within main building

Pursuant to MCC §130-161, a SC parcel may be developed with employee housing up to a maximum net residential density of 18 dwelling units per buildable acre. Further, for employee housing, the maximum net residential density allowed per district shall not require transferable development rights (TDRs). Furthermore, when calculating density, any employee housing on a parcel and the floor area thereof shall be excluded from the calculation of the total gross non-residential floor area development that may be lawfully-established on the parcel.

6. Required Open Space (§118-9, §130-157, §130-162 & §130-164): *In compliance.*

In the SC District, there is a required open space ratio of 0.20 or 20%. The property consists of 30,000 ft² of upland area. Therefore, at least 6,000 ft² of the total land area must remain open space. According to the site plan submitted the site will provide 21% open space.

7. Minimum Yards (§118-12 & §130-186): *Not in compliance.*

The required non-shoreline setbacks in the SC district are as follows: Front yard – 25'; Rear yard – 10'; and Side yard – 10'/15' (where 10' is the required side yard for one side and 15' is the minimum combined total of both side yards).

Therefore, the front yard setback along the right-of-way of US 1 is 25'. Normally, 5' and 10' setbacks would be required along each of the side property lines; however, pursuant to MCC §130-93, in the SC district, marinas may only be permitted if each non waterside perimeter setback of the parcel proposed for development must have a class-C buffer-yard within a minimum side yard setback of 10'. Therefore, 10' setbacks required for each of the side yards.

1 Along the canal to the south, there is a shoreline setback requirement of 20' for
2 principal structures. Certain accessory structures may be located in the shoreline
3 setback
4

5 On the site plan, part of a proposed boat rack is located within the 10' side yard
6 setback along the western property line. In addition, boats being stored on the rack
7 would extend into the 25' front yard setback along the right-of-way of US 1. The
8 boat rack is shown as having a 0' side yard setback and a typical 30' boat would
9 extend over the edge of the rack 9' into the required front yard setback.
10

11 On the site plan, the proposed 14' driveway is located within the 25' front yard
12 setback along the right-of-way of US 1. The edge of the driveway is shown as having
13 a 10' setback. An existing driveway is located in the front yard setbacks; however
14 neither the site plan nor the boundary survey describes to what extent.
15

16 On the site plan, part of the proposed parking lot is located within the 10' side yard
17 setback along the eastern property line and within the 25' front yard setback along the
18 right-of-way of US 1. The parking lot is shown as having a 0' side yard setback
19 (spaces 8-14) and a 16' front yard setback (space 14).
20

21 On the site plan, the part of the existing main building is located within the 20'
22 shoreline setback. Staff has determined that this building was lawfully-established
23 and is legally nonconforming to the current shoreline setback regulations. It may
24 remain in its current nonconforming footprint as long as the nonconformity is not
25 expanded or the building is not substantially improved. The applicant provided no
26 information indicating whether or not the proposed improvements would constitute
27 substantial improvement.
28

29 On the site plan, the dock master building is located within the 20' shoreline setback.
30 Staff has determined that this building was lawfully-established and is legally
31 nonconforming to the current shoreline setback regulations. It may remain in its
32 current nonconforming footprint as long as the nonconformity is not expanded or the
33 building is not substantially improved. The applicant provided no information
34 indicating whether or not the proposed improvements would constitute substantial
35 improvement. However, as part of this approval, the applicant may request special
36 approval for this particular structure to be substantially improved. For structures
37 serving commercial uses, the planning commission may approve deviations from the
38 requirements of the shoreline setback as part of a major conditional use permit. Such
39 approvals may include additional structures or uses provided that such approval is
40 consistent with any permitted uses, densities and intensities of the land use district,
41 furthers the purposes of MCC §118-12, is consistent with the general standards
42 applicable to all uses and the proposed structures are located in a disturbed area of an
43 altered shoreline. Such additional uses are limited to waterfront dining areas,
44 pedestrian walkways, public monuments or statues, informational kiosks, fuel or
45 septic facilities and water-dependent marina uses. Any such development shall make

adequate provision for a water quality monitoring program for a period of five years after the completion of the development.

On the site plan, part of a proposed loading zone is located within the 20' shoreline setback.

The applicant has applied for a setback variance to reduce the above requirements. The variance application is being processed concurrently. Staff shall not comment on whether or not the variance application meets the required standards for such a request in this report.

8. Maximum Height (§146-3): *Compliance to be determined.*

No structure or building shall be developed that exceeds a maximum height of 35'. No building additions are being proposed to the existing buildings. Since no elevations were submitted, staff could not determine whether or not the existing main building is in compliance with this regulation. In any event, staff has determined that this building was lawfully-established and is legally nonconforming to the current height regulations. It may remain if a) the applicant provides documentation that the existing structure does not exceed the height requirements or b) if the building does exceed the height requirements, as long as the nonconformity is not expanded or the building is not substantially improved.

Building plans indicate that a deck structure would be expanded adjacent to the existing main building; however elevations were not provided.

As shown on elevations, the new boat racks are approximately 24' in height. However, this does not include the height of boats stored on the top tier. The elevations indicate that typical boats located on the top rack would result in the overall height of being 35'. Grade is not shown on the elevations. In addition, staff has found that the bottom tier would be level with the ground. Normal boat racks require several feet below the rack for the hull and the motor to fall beneath.

9. Surface Water Management Criteria (§114-3): *Full compliance to be determined upon submittal to Building Department.*

The Monroe County Project Management Department has determined that the submitted plans do not meet the stormwater management requirements of MCC §114-3. The deficiencies are provided in a memorandum from Kevin Wilson, dated March 15, 2010.

10. Wastewater Treatment Criteria (§114-5): *Compliance to be determined by Florida Department of Health and/or the Florida Keys Aqueduct Authority prior to the issuance of a building permit.*

No letter of coordination relating to wastewater treatment has been provided.

1
2 **11. Fencing (§114-20): *Not in compliance.***
3

4 All proposed and existing fencing is six (6) foot in height and constructed of chain
5 link.
6

7 Pursuant to MCC §130-93, in the SC district, marinas may only be permitted with a
8 major conditional use permit if all outside storage areas are screened from adjacent
9 uses by a solid fence, wall or hedge at least six feet in height.
10

11 **12. Floodplain Management (§122-1 – §122-6): *Compliance to be determined upon***
12 ***submittal to Building Department.***
13

14 The site is designated within AE – EL 10 flood zone on the Federal Emergency
15 Management Agency's flood insurance rate maps. All new structures must be built to
16 floodplain management standards that meet or exceed those for flood protection.
17

18 **13. Energy Conservation Standards (§114-45): *Compliance to be determined by the***
19 ***Monroe County Building Department prior to issuance of a building permit.***
20

21 The development proposal includes the following required energy conservation
22 measures: Reduced coverage by asphalt, concrete, rock and similar substances in
23 streets, parking lots and other areas to reduce local air temperatures and reflected light
24 and heat; Selection, installation and maintenance of native plants, trees, and other
25 vegetation and landscape design features that reduce requirements for water,
26 maintenance and other needs; Planting of native shade trees to provide reasonable
27 shade for all recreation areas, streets and parking areas; Orientation of structures, as
28 possible, to reduce solar heat gain by walls and to use the natural cooling effects of
29 the wind; Provision for structural shading (e.g., trellises, awnings and roof overhangs)
30 wherever practical when natural shading cannot be used effectively; and Inclusion of
31 porch/patio areas in residential units.
32

33 Not enough information was provided to determine if the development proposal
34 includes the following required energy conservation measures: Use of energy-
35 efficient features in window design (e.g., tinting and exterior shading); Use of
36 operable windows and ceiling fans; Installation of energy-efficient appliances and
37 equipment; Prohibition of deed restrictions or covenants that would prevent or
38 unnecessarily hamper energy conservation efforts (e.g., building orientation, clothes
39 lines, and solar water heating systems); and Installation of energy-efficient lighting
40 for streets, parking areas, recreation areas, and other interior and exterior public areas.
41

42 The development proposal does not include the following required energy
43 conservation measure: Provision of bicycle racks or storage facilities in recreational,
44 commercial and multifamily residential areas.
45

14. Potable Water Conservation Standards (§114-46): *Compliance to be determined by the Monroe County Building Department prior to issuance of a building permit.*

No letter of coordination relating to potable water has been provided.

15. Environmental Design Criteria and Mitigation Standards (§118-6, §118-7 & §118-8): *Not applicable.*

Based on the information submitted by the applicant and confirmed by staff, the site does not support native plant communities and consists entirely of developed and/or scarified land.

16. **Required Parking (§114-67):** *Not in compliance.*

The development would be subject to the following off-street parking requirements:

<i>Specific Use</i>	<i>Multiplier</i>	<i>Proposed</i>	<i>Required Spaces</i>
Commercial Retail	3 spaces / 1,000 ft ²	3,000 ft ²	9
Office	3 spaces / 1,000 ft ²	1,013 ft ²	3
Workshop (Industrial)	2 spaces / 1,000 ft ²	500 ft ²	1
Marina (wet slips or berths)	1 space / berth	5 berths	5
Marina (dry storage racks)	1 space / 4 dry racks	36 dry racks	9
Boat Ramp	6 spaces / ramp	1 ramp	6
Dwelling Unit (Multifamily)	1.5 spaces / unit	6 unit	9
Total			42

Using the shared-parking calculator, the development would be subject to the following reduced off-street parking requirements:

<i>Specific use</i>	<i>Night</i>	<i>Weekday</i>		<i>Weekend</i>	
	12AM- 6AM	9AM-4PM	6PM-12AM	9AM-4PM	6PM-12AM
Commercial Retail (9 spaces)	0.5	5.4	8.1	9.0	6.3
Office/Industrial (4 spaces)	0.2	4.0	0.4	0.4	0.2
Marina (20 spaces)	1.0	14.0	2.0	20.0	4.0
Residential (9 spaces)	9.0	5.4	8.1	7.2	8.1
Total	10.7	28.8	18.6	36.6	18.6

The applicant has indicated that the required parking for the site should be 25 spaces. This total is incorrect. After a review of all the floor area and uses on the property, staff has identified a total of 3,000 ft² of commercial retail floor area, 1,013 ft² of office floor area, 500 ft² of workshop or light industrial floor area, 36 boat racks, 1 boat ramp and 5 wet berths (according to the draft annual operating permit for marinas ordinance, there is enough linear seawall to accommodate 5 wet berths). The number of wet slips is based on a typical 30 foot boat; however this number is used

for parking calculations only and does not restrict the number of boats that may be located along this seawall. As a result, this brings the parking requirement to 42 spaces. However, the shared parking allowances would reduce the required amount of parking to 37 spaces.

According to the site plan, 14 off-street parking spaces would be provided.

The applicant has applied for an off-street parking variance to reduce the above requirements. The variance application is being processed concurrently. Staff shall not comment on whether or not the variance application meets the required standards for such a request in this report.

All regular parking spaces, with the exception of parallel, must be at least 8'6" in width by 18' in length and all handicap-accessible parking spaces must be at least 12' in width with an access aisle of 5' in width.

The existing billboard has 5 posts which affect 4 of the proposed 14 spaces; reducing their widths to at some points to as little 6'6". In addition, although of proper overall dimensions, the handicap-accessible parking space is incorrectly shown as having too little width and an aisle of too large width.

Handicap Parking: According to the site plan, 1 of the off-street parking spaces provided would be handicap-accessible only. This is compliant with the 2004 Florida Accessibility Code for Building Construction, which states that if 1 to 25 spaces are provided, 1 space is required to be handicap-accessible parking only.

Boat Ramp Parking: Boat ramps have a parking requirement of 6 spaces per ramp. All spaces shall be a minimum of 14' by 55' to accommodate trailers and oversized vehicles. The site plans submitted does not show any spaces of these dimensions.

Bicycle/Scooter Parking: A bicycle rack for parking bicycles shall be provided by all nonresidential development within 200' of an existing or programmed state or county bikeway. The minimum layout for a bicycle parking area shall be a 2'-wide by 6'-long stall with a minimum aisle width of 5'. The bicycle parking area shall be located within 50' of a public entrance to the principal structure and shall not interfere with pedestrian or vehicular traffic. No bicycle rack is shown on the site plan.

17. Required Loading and Unloading Spaces (§114-69): *In compliance.*

All non-residential uses with 2,500 ft² to 49,999 ft² of floor area are required to have one (1) loading and unloading space, measuring 11' by 55'.

Two (2) loading/unloading spaces are shown on the site plan. Staff has found that the proposed 35' by 11' space is partially located in the shoreline setback. Staff is requesting this space be removed as only an 11' by 55' space is required and the other space meets this requirement.

1
2 **18. Required Landscaping (§114-99 – §114-105): *Not in compliance.***
3

4 The Landscape Calculations Table on submitted landscape plan (Sheet L-1.0)
5 properly identifies the required parking lot landscaping standard as Class A, however
6 the plan does not show the required landscaping.
7

8 The Landscape Plan includes a list of “Suggested Plant Material”. A detailed
9 landscape plan including species to be planted, size and quantity is required to
10 determine compliance with §114-99 – §114-105.
11

12 **19. Required Buffer-yards (§114-124 – §114-130): *Not in compliance.***
13

14 The Landscape Plan includes a list of “Suggested Plant Material”. A detailed
15 landscape plan including species to be planted, size and quantity is required to
16 determine compliance with §114-124 – §114-130.
17

18 A class “C” major street bufferyard is required along the property line adjacent to US
19 1.
20

21 In addition, pursuant to MCC §130-93, in the SC district, marinas may only be
22 permitted if each non waterside perimeter setback of the parcel proposed for
23 development must have a class “C” buffer-yard within a minimum side yard setback
24 of 10 feet.
25

26 The applicant has applied for a variance to reduce the front yard setback; however,
27 the variance application does not mention any proposed reductions in buffer-yards
28 widths and/or plantings. The variance application needs to be revised and is
29 scheduled to be processed concurrently. Staff shall not comment on whether or not
30 the variance application meets the required standards for such a request in this report.
31

32 **20. Outdoor Lighting (§114-159 – §114-163): *Compliance to be determined upon***
33 ***submittal to Building Department.***
34

35 Outdoor lighting is not being reviewed as part of this application. It shall be reviewed
36 independently for compliance as an accessory use under a building permit
37 application.
38

39 **21. Signs (§142-1 – §142-7): *Compliance to be determined upon submittal to Building***
40 ***Department.***
41

42 Signage details were not provided; however such details are not required as this stage
43 as signage would not be reviewed as part of this application. Any signage shall be
44 reviewed independently for compliance as an accessory structure under a building
45 permit application.
46

1 **22. Access Standards (§114-195 – §114-201): *Not in compliance.***

2 According to the site plan, access would not be reconfigured.

3
4 Access to and from the site would be provided from an existing primary
5 egress/ingress drive toward the western portion of the property. In addition, a
6 secondary egress/ingress drive exists to the eastern portion of the property. The
7 secondary point is proposed to be gated at all times and only used as fire access or to
8 accommodate large trailers. This gated secondary point is proposed to be more than
9 40' from the pavement of US 1. This will allow two (2) standard size cars to fully exit
10 US 1.

11
12 The access drives to/from US 1 are nonconforming in that their separation from one
13 another is less than the minimum standard of at least 400'. In accordance with MCC
14 §114-199, no use fronting on US 1 shall receive a permit for a change of use,
15 expansion or reconstruction unless it is brought into conformance by provision of
16 combined drives or parallel access. Therefore, unless a letter is submitted from the
17 Florida Department of Transportation approving the existing access, due to the
18 expansion of use, staff requests that the site's direct access to and from US 1 be
19 modified to be in compliance with the current regulations.

20
21 The county's traffic consultant has reviewed the site plan and found that the plan
22 lacked vehicular maneuverability details and the secondary egress/ingress drives did
23 not include clear sight triangle calculations.

24 Sight triangles are not shown on the site plan.

25
26 The analysis states that the proposed redevelopment would generate 401 daily trips.
27 The traffic impact report indicated that there is adequate traffic capacity for the
28 development. However, its findings were not approved by the county's traffic
29 consultant. Further, the floor area figures in the traffic study do not match the figures
30 on the site plan (i.e. 4,125 ft² commercial floor area v. 3,000 ft² commercial floor area
31 with 1,013 ft² office floor area and 500 ft² light industrial floor area) and the boat
32 racks are calculated by square footage not by capacity.

33
34
35 **23. Chapter 533, Florida Statutes: *Full compliance to be determined upon submittal to***
36 ***Building Department.***

37
38 All standards and requirements of the Americans with Disabilities Act (ADA) shall
39 be met.

40
41 **V RECOMMENDED ACTION:**

42
43 As currently proposed, staff recommends **DENIAL** of the proposed development based on
44 the plans submitted to the Director of Planning & Environmental Resources

45
46 To have staff reevaluate the above recommendation, the applicant may submit the following:

- 1
2 A. Prior to the scheduling of a public hearing by the planning commission, the applicant
3 shall provide written clarification as to the intended use and nature of the
4 “workshop.”
5
6 B. Prior to the scheduling of a public hearing by the planning commission, the applicant
7 shall revise the site plan to:
8 a. Amend the site data table to provide a) required shoreline open space of 40
9 percent; b) amount of shoreline open space provided; c) required floor area
10 ratios and residential densities for all uses; d) proper amount of proposed
11 commercial retail floor area; e) amounts of proposed office and light industrial
12 floor area; and f) required side yard buffers; and
13 b. Amend the site data table to revise a) “rear” setback to “shoreline” setback; b)
14 “commercial” to “commercial retail” and c) west side setback from “5 ft” to
15 10 ft; and
16 c. Remove the non-required 11’ x 35’ loading zone; and
17 d. Remove the “existing sign” shown in the 14’ driveway; and
18 e. Remove “chain link” fence along US 1 and western property line; and
19 f. Show 10’ side yard setback boundary along western property line; and
20 g. Label maximum capacity of vessels on each boat rack; and
21 h. Properly indicate the handicap parking space dimensions; and
22 i. Show and label edge separating driveways, access aisles, parking areas and
23 landscaping; and
24 j. Show all clear sight triangles; and
25 k. Show bicycle storage.
26
27 C. Prior to the scheduling of a public hearing by the planning commission, the applicant
28 shall submit a revised traffic impact report.
29
30 D. Prior to the scheduling of a public hearing by the planning commission, the applicant
31 shall submit floor plans of the existing main building and identify proposed uses.
32
33 E. Prior to the scheduling of a public hearing by the planning commission, the applicant
34 shall provide clarification as to why a portion of the main building is hatched on the
35 site plan and remove said hatching if it serves no purpose.
36
37 F. Prior to the scheduling of a public hearing by the planning commission, the applicant
38 shall submit revised elevations for the proposed boat racks and building elevations of
39 the existing main building and dock master building showing façade improvements.
40
41 G. Prior to the scheduling of a public hearing by the planning commission, the applicant
42 shall amend the variance application on file to reflect the properly required setbacks,
43 bufferyards and off-street parking as described in detail in this report.
44

1 H. Prior to the scheduling of a public hearing by the planning commission, the applicant
2 shall provide documentation that vehicular traffic may legally and safely take place
3 over the existing septic tank shown in the 14' driveway.
4

5 I. Prior to the scheduling of a public hearing by the planning commission, the applicant
6 shall provide the billboard lease.
7

8 In the event that the major conditional use permit is heard as currently proposed and granted,
9 staff shall recommend that the following conditions are applied (in addition, if found
10 necessary following the consideration of public input and additional information, staff
11 reserves the right to request additional conditions):
12

13 A. Prior to the issuance of a planning commission resolution, the applicant shall a)
14 receive variance approval for all proposed new development to be located in the non-
15 shoreline setbacks, any reduction in required bufferyard width, any reduction in
16 require landscaping, and/or any reduction in required parking or b) submit revised site
17 plans that show the proposed development in compliance with §130-186 of the
18 Monroe County Code. If a variance(s) is granted, the resolution memorializing the
19 major conditional permit may not be recorded until the resolution memorializing the
20 variance successfully passes all required appeal periods.
21

22 B. Prior to the issuance of a resolution by the planning commission, the applicant shall
23 a) revise the site plan to removing one of the existing nonconforming access drives
24 from US 1, b) submit a letter from the Florida Department of Transportation stating
25 the existing nonconforming access drive may continue to exist, or c) have the
26 planning commission determine that the site is being brought into compliance to the
27 greatest extent practical and allow the existing access drive to remain.
28

29 C. Prior to the issuance of a building permit, the applicant shall provide all
30 documentation and information requested by the Monroe County Project
31 Management Department relating to storm water.
32

33 D. Prior to the issuance of a building permit for improvements to either of the existing
34 buildings, the applicant shall submit all necessary documentation to Building
35 Department indicating that the said improvements would not constitute substantial
36 improvement.
37

38 E. Prior to the issuance of a building permit, the proposed development and structures
39 shall be found in compliance by the Monroe County Building Department, the
40 Monroe County Floodplain Administrator, Monroe County Project Management
41 Department and the Monroe County Office of the Fire Marshal.
42

43 F. The employee housing units shall be deed restricted as affordable employee housing
44 as set forth in the Monroe County Code. Occupants of the employee housing unit
45 must meet all requirements for occupancy of employee housing and affordable
46 housing as set forth in the deed restriction and Monroe County Code.

- 1
2 G. All outside storage areas, including boat rack, shall be screened from adjacent uses by
3 a solid fence, wall or hedge at least 6' in height.
4
5 H. Prior to the issuance of a building permit, the applicant shall remove the existing sign
6 from within the 14 foot driveway and the billboard from within the parking lot area.
7
8 I. The architecture of the buildings shall be compatible with the architectural and urban
9 character of Summerland Key. Any future modifications and/or alterations to the
10 buildings, as well as accessory structures and signage, must adhere to the standards
11 set forth in the Monroe County Planning and Environmental Resources Department
12 Design Guidelines - Boat Storage Facilities and any future standards that may be set
13 forth in a Livable CommuniKeys Plan for Summerland Key. Compliance shall be
14 determined by the Planning Director and, if necessary, the Planning Commission.
15
16 J. Vessels placed on top racks may not exceed the 35' maximum height requirement,
17 measured from grade to the highest point of the vessel.
18

19 VI PLANS REVIEWED:
20

- 21 A. Site Plan (C-1.0) by Richard Milelli, dated January 7, 2010 and last revised on April 8,
22 2010;
23 B. Boat Rack Elevation Employee Housing Floor Plan (C-2.0) by Richard Milelli, dated
24 January 4, 2010 and last revised on April 8, 2010;
25 C. Drainage Plan (C-3.0) by Richard Milelli, dated January 4, 2010 and last revised on April
26 8, 2010;
27 D. Landscape Plan (L-1.0) by Richard Milelli, dated January 4, 2010 and last revised on
28 April 8, 2010;
29 E. Boundary and Topographic Survey by R.E. Reece, P.A., dated December 15, 2009;
30 F. Level 1 Traffic Study by Traf Tech Engineering, Inc, dated March 2010